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EXAMINER

HARPER, TRAMAR YONG

ART UNIT	PAPER NUMBER
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3714

NOTIFICATION DATE	DELIVERY MODE
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10/09/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/612,306	Applicant(s) TOYODA, HIROBUMI	
	Examiner TRAMAR HARPER	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 16-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of Amendments/Arguments filed 06/11/08. The arguments set forth are addressed herein below. Claims 1-12 & 16-52 are pending, Claims 1, 16, & 18-19, Claims 38-52 are newly added, and Claims 13-15 have been canceled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-12, 16-23, 26, 33-37 rejected under 35 U.S.C. 103(a) as being unpatentable over Wei et al (US 6,079,711) in view of Matsumoto (US 5,639,089).

Claims 1 & 18-23: Wei discloses a combination bingo/poker game system. The game system comprises a game board containing a 5x5 matrix of a Bingo places. Each place includes a symbol comprising a combination Bingo number and playing card indicia.

The game is played in the conventional manner, wherein a player marks the called indicia on the bingo card as numbers are randomly drawn via a host site. A player has a winning Bingo when the marked places forms a winning Bingo configuration and the Bingo configuration is then used to form a potentially winning Poker hand (Abstract).

The host computer/game server randomly selects the bingo numbers and respective playing card numbers for each individual bingo card. The host entity generates/prints

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the game boards by cycling through a series of random and unique bingo permutations and insures that the duplicate game boards are not produced for the same game.

During game play the randomly drawn bingo numbers or main lotteries are called in a conventional manner and entered into the host computer. The host computer furthermore verifies any winning bingo cards. Each respective winning player is evaluated based on the bingo configuration and awarded a predetermined payout based on a poker rank of the evaluated bingo configuration e.g. *an award type based on a first type win amount associated with the first predetermined win rank*. Figs 3-4 illustrate the type of bingo card with potential poker rank awards displayed (Col. 2:61-67, Col. 3: 1-7, 247-29, 36-38, 41-46, 66-67, Col. 4:1-12, 41-65, Figs 3-4).

Wei discloses the above, but excludes the gaming environment conducted on a gaming machine. Matasumoto et al discloses a bingo gaming machine in which signs on bingo cards are compared to a plurality of randomly selected specific signs to decide the winner of a game respective of the signs (Abstract). The gaming machine comprises of a central main unit surrounded by linked player terminals. Each terminal has a payback outlet wherein credits are paid to the player based on the game result. The gaming machine comprises a pay-back unit to calculate the payout amount (Col. 5:7-36). The bingo game consists of randomly drawing 10 balls ending the game and determining which players achieved a bingo outcome within the 10 balls (Col. 6:21-22). Matasumoto discloses "Line Bingo", wherein 12 possible pay line options are available and a player can wager on one or more pay lines *prior to cells becoming effective* (Col. 21:19-35). The smaller the amount of drawn balls to achieve a bingo combination the

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larger the prize e.g. a standard award for achieving bingo at 10 drawn balls, but a larger above standard award for achieving bingo in less than 10 drawn balls (Col. 22:10-15).

Fig. 23, although drawn to another type of bingo game, clearly shows award disbursement based on the bet in amount of the player. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the gaming system of Wei with the gaming machine of Matasumoto to provide a more automated communal bingo game. Such a modification would eliminate errors due to a ball caller entering numbers into a host computer. It would also provide players with more than one opportunity to achieve multiple awards by betting on different pay lines e.g. the more opportunities to win the more likely a player will play the game, thus increasing house or establishment revenue.

Claim 2: Wei in view of Matsumoto discloses the combination making game comprises a poker game and 5x5 matrix (Wei Fig. 3).

Claim 3: Wei in view of Matsumoto discloses the above with respect to claim 1, but excludes the combination making game comprising a mahjong game. However, applicant has not disclosed that having a predetermined number of main lotteries provides an advantage, is used for a particular purpose, or solves a stated problem. Furthermore, applicant discloses that the bingo like lottery game may be a poker type game or a mahjong game. One of ordinary skill in the art, furthermore, would have expected Wei in view of Matsumoto's gaming system, and applicant's invention, to perform equally well with either a bingo poker type game, as taught by Wei in view of Matsumoto, or the claimed mahjong because both provide the same function of

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providing a game wherein a player attempts to match symbols of a matrix to randomly drawn symbols to obtain an award.

Therefore, it would have been prima facie obvious to one of ordinary skill in the art to modify Wei in view of Matsumoto to obtain the invention as specified in claim 3 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Wei in view of Matsumoto.

Claims 4-6: Wei in view of Matsumoto discloses the smaller the amount of drawn balls to achieve a bingo combination the larger the prize e.g. a standard award for achieving bingo at 10 drawn balls, but a larger, above standard award for achieving bingo in less than 10 drawn balls (Matsumoto Col. 22:10-15).

Claims 8-12 & 26: Wei in view of Matsumoto discloses a cell validation device for making at least one cell contained in the matrix effective in accordance with a result of a preliminary lottery performed prior to the main lottery (Wei Fig. 3, Matsumoto Fig. 22, see above). Wei discloses that the bingo card numbers and playing card indicia are randomly determined e.g. preliminary lottery prior to the main lotteries or start of the game (see above).

Claim 16: Wei discloses a combination bingo/poker game system. The game system comprises a game board containing a 5x5 matrix of a Bingo places. Each place includes a Bingo number and playing card indicia. The game is played in the conventional manner, wherein a player marks the called indicia on the bingo card as numbers are randomly drawn via a host site. A player has winning Bingo when the marked places forms a winning Bingo configuration and the Bingo configuration is then

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used to form a potentially winning Poker hand (Abstract). The host computer/game server randomly selects the bingo numbers and respective playing card numbers for each individual bingo card. The host entity generates/prints the game boards by cycling through a series of random and unique bingo permutations and insures that the duplicate game boards are not produced for the same game. During game play the randomly drawn bingo numbers or main lotteries are called in a conventional manner and entered into the host computer. The host computer furthermore verifies any winning bingo cards. Each respective winning player is evaluated based on the bingo configuration and awarded a payout based on a poker rank of the bingo configuration. Figs 3-4 illustrate the type of bingo card with potential poker rank awards displayed (Col. 2:61-67, Col. 3: 1-7, 247-29, 36-38, 41-46, 66-67, Col. 4:1-12, 41-65, Figs 3-4).

Wei discloses the above, but excludes the gaming environment conducted on a gaming machine. Matasumoto et al discloses a bingo gaming machine in which signs on bingo cards are compared to a plurality of randomly selected specific signs to decide the winner of a game respective of the signs (Abstract). The gaming machine comprises of a central main unit surrounded by linked player terminals. Each terminal has a payback outlet wherein credits are paid to the player based on the game result. The gaming machine comprises a pay-back unit to calculate the payout amount (Col. 5:7-36). The bingo game consists of randomly drawing 10 balls ending the game and determining which players achieved a bingo outcome within the 10 balls (Col. 6:21-22). Matasumoto discloses "Line Bingo", wherein 12 possible pay line options are available and a player can wager on one or more pay lines *prior to one or more cells becoming*

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effective (Col. 21:19-35). The smaller the amount of drawn balls to achieve a bingo combination the larger the prize e.g. a standard award for achieving bingo at 10 drawn balls, but a larger above standard award for achieving bingo in less than 10 drawn balls (Col. 22:10-15). Fig. 23, although another type of bingo game clearly shows award disbursement based on the bet in amount of the player. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the gaming system of Wei with the gaming machine of Matasumoto to provide a more automated communal bingo game. Such a modification would eliminate errors due to a ball caller entering numbers into a host computer. It would also provide players with more than one opportunity to achieve multiple awards by betting on different pay lines e.g. the more opportunities to win the more likely a player will play the game, thus increasing house or establishment revenue.

Wei in view of Matsumoto discloses the above, but excludes a networked game server linked to gaming machines. Wei discloses having a host computer and remote sites, but not gaming machine. Wei discloses a main game machine with gaming terminals (see above). However, applicant has not disclosed that having a networked game server linked to gaming machines provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Wei in view of Matsumoto's gaming system, and applicant's invention, to perform equally well with a gaming machine with communal gaming terminals, as taught by Wei in view of Matsumoto, or the claimed a networked game server linked to gaming

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machines because both provide the same function of allowing players to play together in a linking bingo type game.

Therefore, it would have been prima facie obvious to one of ordinary skill in the art to modify Wei in view of Matsumoto to obtain the invention as specified in claim 16 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Wei in view of Matsumoto.

Claim 17: Matsumoto discloses displaying progress of the game via the gaming machines through the gaming terminals (see above).

Claims 33-37: Wei in view of Matsumoto discloses that one or more cells become effective during game play and that the symbol allocating device is for allocating the symbols prior to the main lotteries (see above Wei for symbols pre-printed, Matsumoto Fig. 22, see above).

Claims 7 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wei (US 6,079,711) in view of Matsumoto (US 5,639,089) in further view of Darby (US 2003/0130024).

Claims 7 & 24-25: Wei in view of Matsumoto discloses the above with respect to claim 4, but excludes explicitly a second pay line with a second rank of the game, wherein a player is paid or awarded in accordance with both the first and/or second lines. Wei discloses awarded a player based on a poker hand, more particularly rank of hand, within a bingo win configuration. Matsumoto discloses enabling the player to bet on one or more pay lines within a bingo game (see above). Darby discloses an analogous electronic game comprising stud poker, wherein a player can play multiple poker hands

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simultaneously forming a 5x5 matrix. As a result, the gaming machine allows a player to wager on multiple pay lines within the matrix (Abstract). The matrix is then evaluated for all pay line combinations which have wagers placed by the player and the player receives credits for each winning pay line in accordance with rank in a poker pay table, which may be multiplied by the initial wager placed on each pay line e.g. each winning pay line is evaluated/multiplied per wager and the winning are summed together to form a winning total (§ 25, 33, 36, 39). It would have been obvious to one of ordinary skill in the art to have modified the gaming system of Wei in view of Matsumoto with the awarding means of Darby, to provide more opportunities to the player. Providing an increased number of pay lines, larger wagers and thus larger potential pay outs are possible to make the game more attractive to potential players (Darby Abstract).

Claims 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wei (US 6,079,711) in view of Matsumoto (US 5,639,089) in further view of Yoseloff (US 6,398,645).

Claims 27-32: Wei in view of Matsumoto discloses the above with respect to claims 2-3, 16, 18-20, but excludes the player selecting a matrix out of a plurality of matrixes. Yoseloff discloses a bingo gaming machine wherein a player can select at least one or more cards/matrixes to play with (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the gaming system of Wei in view of Matsumoto with the player selectable matrixes of Yoseloff to provide the with a plurality of cards wherein a player can decide which combination of numbers/playing cards appear to be more favorable, whether the choice is based on

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upon reason or superstition. Thus increasing the interest level of a player and is likely to extent the length of time the player will enjoy the gaming activity (Yoseloff Col. 11:12-28).

Claims 43-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wei (US 6,079,711) in view of Matsumoto (US 5,639,089) in further view of Piechowiak (US 5,807,172).

Claims 43-47: Wei in view of Matsumoto disclose the above, but excludes a line indication device for indicating circles close to the respective lines in which winning combinations are formed. However, Piechowiak discloses flashing indicating blocks (64) to indicate winning pay lines (Col. 3:62-67). It would have been obvious to one of ordinary skill in the art to have modified the poker/bingo game of Wei in view of Matsumoto with the indicator block next to a pay line of Piechowiak to provide a discernible means of determining which pay line combination is a winner. Such a modification, provides a more enhanced ease of use to a player making it less cumbersome and more enjoyable.

Allowable Subject Matter

Claims 48-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 06/11/08 have been fully considered but they are not persuasive.

Applicant argues that Wei explicitly teaches selecting symbols of one type to make cells effective while using symbols of another different type to form a predetermined winning combination having a first predetermined rank. Examiner interprets "allocating symbols to the respective cells" to mean that a symbol could be a combination of both a number and a card of a deck. Furthermore, a lottery as claimed selects the "cells", wherein at least one combination of cells forms a winning combination with a first rank. Applicant argues that the present invention requires that the selected symbols used to make cells effective be the same symbols that form a predetermined winning combination having a first predetermined rank. However, Examiner believes that applicant is arguing limitations that are not positively claimed at least based on the above. Wei clearly discloses a lottery that selects "cells" and based on the selected cell forming a winning combination based on a rank.

In regards to Claims 8-12 and 26, Examiner interprets the preliminary cell validation device for making at least one cell contained in the matrix effective in accordance with a result of a preliminary lottery performed prior to said main lottery as indicating that a preliminary lottery is performed to actually create the bingo matrix. As such, Wei discloses that the host computer/game server randomly selects the bingo numbers and respective playing card numbers for each individual bingo card. The host entity generates/prints the game boards by cycling through a series of random and unique bingo permutations and insures that the duplicate game boards are not produced for the same game (see above). This is interpreted as a preliminary lottery performed prior to a main lottery to make at least one cell effective.

In regards to claim 21, the language requires a method of selecting between “a first type win amount representing a predetermined amount associated with the first predetermined win rank and a second type win amount representing an amount bet by the player multiplied by a factor associated with the first predetermined win rank”, wherein the win amount is determined based on the selection. Examiner interpreted the above to only require determining one type of win amount, wherein Wei at least discloses a first type win amount representing a predetermined amount associated with the first predetermined win rank and awarding an award based on such (Fig. 3 payout table). Therefore, just as long as the gaming machine selects one type of award the limitation is met.

In regards to claims 7, 24, and 25, Wei discloses that it is preferably e.g. not limited to that a player is only awarded the highest poker hand upon the occurrence of more than one winning hand (Col. 5:25-30). As such, modifying Wei in view of Darby and/or Matsumoto would not violate the principle operation of Wei. Furthermore, Darby discloses an analogous electronic game comprising stud poker, wherein a player can play multiple poker hands simultaneously forming a 5x5 matrix. As a result, the gaming machine allows a player to wager on multiple pay lines within the matrix (Abstract). The matrix is then evaluated for all pay line combinations which have wagers placed by the player and the player receives credits for each winning pay line in accordance with rank in a poker pay table, which may be multiplied by the initial wager placed on each pay line e.g. each winning pay line is evaluated/multiplied per wager and the winning are summed together to form a winning total (¶ 25, 33, 36, 39). Therefore, at least based

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on the above Wei/Matsumoto/Darby discloses computing the sum of a first and a second factor of a first and second rank. Furthermore, Wei discloses paying out the highest poker hand upon the occurrence of more than one winning hand e.g. paying out the largest factor.

In regards to the 112 rejection, the rejection is withdrawn.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRAMAR HARPER whose telephone number is (571)272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ronald Laneau/
Primary Examiner
Art Unit 3714

TH

10/01/08